

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CV 15-0459 JAP/KBM
CR 13-1860 JAP

JESSE M. CASSIDY,

Defendant.

ORDER

THIS MATTER is before the Court, *sua sponte* under rule 4(b) of the Rules Governing Section 2255 Cases, on Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (*Doc. 1*; CR Doc. 89). Defendant Cassidy initially filed this action pro se, and I ordered that he cure his motion because it failed to identify any constitutional claims against his conviction or sentence.

Attorneys Gilbert Frith and Trace L. Rabern then filed an entry of appearance on Defendant Cassidy's behalf (*Doc. 6*), a "Response" to the cure order (*Doc. 4*), and a "Memorandum of Law in Support of the Petition" (*Doc. 5*). The Court construes the "Response" to be a motion to amend the § 2255 Motion and the "Memorandum in Support" to be the proposed Amended § 2255 Motion as the "Memorandum" identifies the constitutional claim on which Defendant Cassidy seeks relief and the alleged facts, law and evidence on which he relies.

Wherefore,

IT IS HEREBY ORDERED that the Clerk re-label the "Memorandum" (*Doc. 5*) as the Amended Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence and forward a copy of it and any supporting papers and exhibits, if any, to the United States of America , together

with a copy of this Order;

IT IS FURTHER ORDERED that, within twenty-three days of entry of this Order, the United States answer Defendant's Amended § 2255 motion.


UNITED STATES CHIEF MAGISTRATE JUDGE